

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HERBERT HENDERSON,
Plaintiff,
v.
DR. HAILIE,
Defendant.

No. 2:21-cv-0790 WBS KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 11, 2023, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

After being provided with a full opportunity to respond to defendant's motion for summary judgment, plaintiff elected not to respond to the motion. The court has reviewed defendant's unopposed motion and finds it well taken. Plaintiff's claim relates to the alleged failure of defendant to provide him with a special mattress while he was housed at the California Medical Facility. Defendant denied that request because plaintiff was not eligible for the special

1 mattress under California Department of Justice policy, which defendant explained. Plaintiff's
2 grievance was denied at the institutional level, and plaintiff failed to fully exhaust his claims
3 pursuant to the applicable grievance procedure set out in the PLRA.

4 IT IS THEREFORE ORDERED that:

5 1. Defendant's motion for summary judgment (Docket No. 33) is hereby GRANTED; and
6 2. This action is DISMISSED for failure to exhaust administrative remedies as required
7 by the PLRA.

8 Dated: June 28, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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